

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DARRELL LYNN FRENCH,)	
)	
Plaintiff,)	
)	
VS.)	No. 14-1208-JDT-egb
)	
BENTON COUNTY, ET AL.,)	
)	
Defendants.)	

ORDER DISMISSING CASE,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

The *pro se* Plaintiff, Darrell Lynn French, filed a complaint pursuant to 42 U.S.C. § 1983 on August 25, 2014, accompanied by a motion seeking leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) At the time, Plaintiff was incarcerated at the Benton County Jail (“Jail”) in Camden, Tennessee. The Court subsequently issued an order granting leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) The order also directed Plaintiff to immediately notify the Court of any change of address and warned that failure to do so could result in dismissal of this action without further notice. (*Id.* at 3.)

On December 12, 2014, the Court dismissed portions of the complaint and directed the Clerk to issue process for the remaining Defendants, Pat Chandler and Tony King. (ECF

No. 8.)¹ A copy of that order was sent to Plaintiff at the Jail, but was returned as undeliverable on December 22, 2014, marked “refused.” (ECF No. 11.) Also on December 22, 2014, the Clerk received a letter from the Benton County Sheriff’s Office advising that Plaintiff was no longer at the Jail. (ECF No. 12.)

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Plaintiff was directed to do so in the Court’s August 26, 2014, order, but he has failed to submit any change of address. Therefore, it appears Plaintiff has abandoned this action. Accordingly, this case is hereby DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with the Court’s order.

It is also CERTIFIED, pursuant to Fed. R. App. P. 24(a), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED. The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The process issued for both Defendants was returned unexecuted on December 15, 2014. (ECF No. 10.)